

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STEPHEN SLEVIN,

Plaintiff,

v.

No. CIV 08-01185 MV/DJS

**BOARD OF COMMISSIONERS FOR THE
COUNTY OF DOÑA ANA, et al.,**

Defendants.

**DEFENDANTS' MOTION REQUESTING COURT TO ISSUE ITS MEMORANDUM
OPINION RELATING TO DEFENDANTS' MOTION TO DISQUALIFY**

Defendants Doña Ana County, Doña Ana County Detention Center, Christopher Barela, and Daniel Zemek, by and through their counsel of record, file their motion requesting the Court to issue its memorandum opinion relating to its order denying defendants' motion to disqualify.

A. Introduction

1. On December 1, 2011, defendants Doña Ana County, Doña Ana County Detention Center, Christopher Barela, and Daniel Zemek filed Defendants' Motion to Disqualify and Memorandum in Support Thereof. [Doc. 57]
2. Plaintiff filed his response in opposition on December 12, 2011. [Doc. 60].
3. Defendants filed their reply [Doc. 66] and Notice of Briefing Complete [Doc. 67] on December 21, 2011.
4. The Court issued its order denying defendants' motion to disqualify on December 21, 2011. [Doc. 68]. In its order the Court indicated that "A Memorandum Opinion fully setting forth the Court's rationale for this decision will follow."

5. As of February 14, 2012, no Memorandum Opinion has been filed.
6. Pursuant to D.N.M.L.R. 7.1(a) counsel for defendants requested concurrence of plaintiff's counsel in this motion. Plaintiff does not oppose this motion.

B. Request

7. Defendants Doña Ana County, Doña Ana County Detention Center, Christopher Barela, and Daniel Zemek request that the Court issue its Memorandum Opinion setting forth its rationale for denying defendants' motion to disqualify.

Respectfully submitted,

/s/ John W. Caldwell
John W. Caldwell
P.O. Box 1405
Fairacres, New Mexico 88033-1405
T: 575.647.7225
F: 800.665.1285

Attorney for Defendants

Certificate of Service

I certify that a copy of defendants' motion to disqualify was electronically served through the CM/EMF notice system on February 15, 2012, on the following persons/entities:

Matthew Coyte
Jack Jacks
1000 Second Street, N.W.
Albuquerque, New Mexico 87102

Attorneys for Plaintiff

/s/ John W. Caldwell
John W. Caldwell